

**Submission  
No 583**

## **SYDNEY'S NIGHT TIME ECONOMY**

**Organisation:** Greens NSW

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July 2019

Joint Select Committee on Sydney's Night Time Economy  
NSW Parliament House  
6 Macquarie St  
Sydney NSW 2000

Dear Joint Select Committee Members,

**Re: Inquiry and Report into Sydney's Night-Time Economy**

We write on behalf of the NSW Greens with our response to the Joint Select Committee inquiry and report into Sydney's night time economy.

The NSW Greens have been strongly opposed to the Sydney CBD and Kings Cross lockdown laws from the time that they were first announced.

We were the only party in the NSW Parliament to vote against the lockdowns when they were introduced, and since this time we have been standing with those who recognise the punitive and short-sighted nature of these measures.

At the time of the *Liquor Amendment Act 2014* being considered the Greens moved amendments to highlight real and important measures that could be undertaken to keep people safe while keeping our city vibrant and open<sup>1</sup>. We also highlighted the need to take a proactive and preventative approach, rather than implementing top down punitive measures. These are listed in detail below.

It was clear from the beginning that knee-jerk reaction that was the *Liquor Amendment Act 2014* to the nuanced problem of alcohol related violence was always destined to fail - as well as cause irreconcilable damage to Sydney's long-established music, creative and night-life scene.

Since the lockdowns have been in operation, we have seen the closure of countless small bars, long established live music venues and the near total loss of vibrancy in many of our cities most famous late night haunts. It is impossible to quantify or capture the loss of the creatives, musicians and artists who have left our city as a result of this loss of opportunity for them here.

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<sup>1</sup> <https://www.parliament.nsw.gov.au/bill/files/54/c2014-002D.pdf>

## Maintaining and enhancing community safety, as well as individual and community health outcomes

The Greens suggest that there are measures that can be implemented to keep our community safe from harm, while also maintaining our cities vibrancy. This can include:

- **Funding for drug and alcohol education in schools.** In 2011, the NSW Government abolished the drug and alcohol unit within the Department of Education. The Greens suggest that this unit is re-established with the same functions and establishment size as existed in January 2011.
- **Improving access to transport** to allow late-night visitors to quickly and safely leave venues and popular areas at the end of their night out. Access to 24hr public transport as well as improved access to and visibility of taxi ranks and rideshare pick ups would allow intoxicated crowds to disperse quickly and safely.
- **Increasing the availability of non-alcohol related night-time activities** like busking, bookshops, cafes and eateries to ensure a balance of demographics of people in any given area during late night trading hours.
- **Funding for community outreach initiatives** such as those conducted by DanceWize NSW<sup>2</sup> that provide support to those who might need help before they become a matter for the Police or Hospitals.
- **Investing in education about harassment and inappropriate behaviour towards women/LGBTIQ community.** Initiatives like 'Ask Angela'<sup>3</sup> and ACON's Welcome Here Project<sup>4</sup> and a positive way of not only providing assistance to people who need it, when they need it but empowering others to offer that support.
- **Improving enforcement of and training for RSA.** Enforcement should be undertaken either by rangers of the Liquor and Gaming NSW or by councils and funded by venues. This enforcement should focus on policing venues rather than punishment of patrons. RSA training should be extended to include awareness of diversity, as well as addressing harassment.
- **Ensuring that emergency service workers and first responders are supported** and provided with necessary staffing levels and the equipment they require to keep them safe.
- **Getting the balance right in terms of policing and security at venues**  
Many bar and club owners, festival promoters and patrons are increasingly concerned about the heavy-handed tactics used by police and private security personnel in and outside of venues. Strip searches, bag searches, sniffer dogs and lines of police are now standard experiences for dance party and music festival patrons in NSW. Some people have told us they have stopped going out in Sydney because they feel threatened by the

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<sup>2</sup> <https://www.dancewizensw.org.au/>

<sup>3</sup> <https://www.liquorandgaming.nsw.gov.au/news-and-media/ask-for-angela-campaign-case-study>

<sup>4</sup> <https://www.welcomehere.org.au/>

increased police and security presence. Performers have reported moving elsewhere because police harassment has spoiled the overall experience at their gigs.

### **Ensuring existing regulatory arrangements are appropriately balanced**

The Greens are concerned about the pattern in NSW over recent years of placing punitive constraints over individuals who wish to have fun in our cities, whilst simultaneously weakening oversight and regulation of venues - particularly large venues that make profit from the sale of alcohol while neglecting the safety elements.

One key example of how this pattern has played out in practise is the *Liquor Amendment (Reviews) Bill 2017* which made changes to the three strikes disciplinary scheme. The scheme, which the Greens originally supported, was set up to target venues that are in breach of their liquor licence obligations, but the 2017 changes mean that it now applies to licensees and managers rather than to licence holders. The Greens opposed these changes because it weakened the capacity of the three strikes scheme to act as a deterrent to licence holders to do the right thing.

Licensees and managers of venues are often employees with no financial interest in the venue and may be seen as expendable by the owner to avoid the strike being held against their business. This has left NSW in a situation where owners have little motivation to ensure that procedures and processes at their venue comply with the Liquor Act or their licence conditions. The Greens are concerned that this is indicative of a wider trend in current regulatory arrangements, which place the burden of compliance on staff and customers, and not on the owners of venues who should be ultimately responsible for providing safe environments for late night patrons.

### **Enhancing Sydney's night time economy**

Reviving Sydney's nightlife is about more than just the economy. The Kings Cross and CBD lockouts have led to the net loss almost 200 venues<sup>5</sup> which of course represents a loss of profits for owners and operators, but more importantly it denotes a significant loss of Sydney's once diverse and vibrant night time culture.

Artists, musicians and other creatives are leaving the city in search of more opportunity or bypassing our city altogether. Any initiatives put in place to enhance Sydney's night time economy should first and foremost focus on revitalising our night time culture - ending the Kings Cross and CBD lockouts is the logical first step.

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<sup>5</sup><https://www.smh.com.au/national/nsw/what-the-hell-is-going-on-in-sydney-176-venues-disappear-20180527-p4zhst.html>

In 2016, Greens MP Jenny Leong presented a petition to the NSW Parliament calling on the NSW Government to:

1. Commit to developing innovative policies that ensure a diversity of venues and late-night entertainment options with consideration of safety, public amenities, transport, security and density issues,
2. Recognise the value and contribution that live music, night-time culture, and creativity make to Sydney and its residents, as well as its global reputation,
3. Put an end to the Kings Cross and CBD lock-outs and rule out implementing further lock-outs in Sydney, and
4. Acknowledge that alcohol-related violence is not inevitable and that through responsible planning and government initiatives Sydney's nightlife can remain vibrant and accessible to all.

The petition was signed by well over 10,000 people and sparked a community campaign which later saw thousands rally in the streets. The people who signed the petition were aware of the need to ensure that Sydney streets were safe, but they knew that the answer is not to lock down our city and our nightlife. They knew that punishing the many for the offensive behaviour of a few was never the answer. Above we detailed some of the many smarter solutions for dealing with alcohol-related violence which will also help re-establish Sydney's once thriving night time culture, and the Greens encourage the NSW Government to use the momentum of this review to consider those alternatives.

It is important to note that the reality for artists and musicians in our city goes beyond the current lack of scene as a result of the lockout laws. According to the latest census data, 60% of artists make less than \$10,000 per year, and only 10% make more than \$50,000 a year. The cost of living in Sydney, as well as the cost and access to spaces is a significant barrier to their ability to practise and to thrive here.

To address this, the NSW Government must protect the few remaining public cultural venues in our city, commit to a more sustainable funding model for artists and musicians in our state, and address the growing housing affordability crisis in NSW.

### **Any other directly relevant matters?**

BOCSAR statistics<sup>6</sup> showed that in the wake of the lockouts there has been some displacement of non-domestic assaults to suburbs surrounding the lockouts zones, with an increase in the

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<sup>6</sup><http://www.bocsar.nsw.gov.au/Documents/CJB/Report-2017-Effect-of-lockout-and-last-drinks-laws-on-non-domestic-assaults-cjb201.pdf>

number of reported assaults in the 'proximal' and 'distal' displacement areas – which were groups of suburbs outside of the lockout zones that have popular entertainment precincts.

There have been reports that Newtown, as one of the 'distal' suburbs had suffered an upsurge in alcohol related violence but a closer look at the BOSCAR data showed that the jump in incidents in the 'distal' zone were due to events in other suburbs. The Newtown Local Area Command has reported that despite a significant increase in visitor numbers to the area, there was not been a noticeable increase in reported violent incidents through 2015-16.

We believe that Newtown, which is a popular entertainment precinct outside of the lockout zone with many licensed venues, has escaped the impacts of the lockout laws due to a concerted local effort to implement considered, collaborative measures to maintain a safe and vibrant nightlife.

In response to the introduction of the lockout laws, the community established the Newtown Vibe Roundtable. The group consists of representatives from the Newtown Neighbourhood Centre, Newtown Police, the Newtown Precinct Business Association, the Liquor Accord, ACON, Reclaim the Streets, the Inner West and City of Sydney Councils and the office of Jenny Leong MP, Member for Newtown. Together the group have considered issues ranging from planning, safety, transport and amenities to education, culture and creativity to develop initiatives to maintain community safety while also actively preserving the character and diversity of Newtown area.

Since 2015, the Roundtable has collaborated to implement a range of measures that successfully mitigated the impacts of increased patronage due to the lockouts. These have included:

- **Collaboration, communication and responsiveness**

One of the aims of the Roundtable was to allow key stakeholders to exchange information and ideas, giving them the opportunity to use their distinct skills and local knowledge to address areas of concern.

The Roundtable has proven to be a successful collaboration and forum for ideas. While participants came from varied backgrounds and varied viewpoints, there was a genuine desire to work in the best interests of the Newtown community.

- **Newtown Neighbourhood Centre activations in Newtown Square**

A number of regular live music events involving local artists and local makers, under the banner of 'Friday Night Vibes', occurred in Newtown Square on Friday evenings through summer and autumn. These activations aimed to encourage visitors to the area to engage with the diversity of Newtown in a positive way. Newtown locals volunteered as

Newtown vibe “ambassadors”, greeting people arriving from the train stations and welcoming them to “Newtopia”.

Additionally, the events provided a space for people to gather and socialise as an alternative to licenced venues. The public response to the Friday Night Vibes sessions was enthusiastic. The events were organised by the Newtown Neighbourhood Centre and funded by the City of Sydney Council.

- **New taxi ranks**

A number of new taxi ranks are now in operation on King St. Roundtable participants recognise the need for adequate public transport to allow late-night visitors to quickly and safely leave the area at the end of their night out.

- **Safer Bars training**

The City of Sydney funded training sessions facilitated by the industry-recognised Safer Bars program to 25 staff from 11 late-trading local venues. On advice from the Roundtable, future sessions will be tailored to the Newtown area and include extras such as diversity training from ACON, which addresses aggression and abuse arising from homophobia and transphobia.

- **Self-Imposed last entry times in Newtown venues**

In response to increased patronage and recognition that the CBD lockouts were dispersing late-night patrons to other areas of the city, Newtown venue owners agreed to trial a suite of self-imposed restrictions to confront possible alcohol-fuelled anti-social behaviour.

In July 2015, venues within the Newtown Liquor Accord agreed to implement a 3am curfew on new patrons and restrictions on the sale of shots and ‘doubles’ after midnight.

The 3am curfew on new patrons was designed to discourage patrons ejected from venues within the lockout zone from travelling to Newtown in large numbers. The Liquor Accord agreement recognised that some patrons, such as staff from surrounding venues, may have reason to arrive after 3am, so offered an exemption to the curfew to patrons who contacted the venue ahead of their arrival to arrange entry.

- **Improved way-finding signage**

Roundtable participants recognised the need for measures that would encourage the dispersal of patrons across the multitude of local venues, to avoid issues resulting from

queues at the most well-known venues. They also recognised the need to provide fast and efficient access to public transport when patrons chose to leave the area. Accordingly, Roundtable participants are collaborating to improve signage and way-finding within the local area.

The experience in Newtown has shown that a considered, collaborative approach to maintaining a safe and vibrant nightlife can be successful, where top down punitive approaches like the lockouts have failed.

The NSW Greens have always opposed the CBD and Kings Cross Lockouts - and we continue to hold this position.

On behalf of creatives, musicians, artists, people who want to be able to dance all night to 80s pop, head out to a gig or have a quiet whiskey at 4:30am, we urge you to do all that you can to revitalise Sydney's nightlife. We whole-heartedly recommend that the lockout laws are repealed and that additional funding and resources are put in to ensuring we can foster and grow our creative, vibrant night-time culture so that it can thrive once again.

**The NSW Greens.**